

SL.16
05.12.2024
Court No.3
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 138 of 2024

**Shankar Lal Agarwal
Versus
Naresh Kumar Agarwal & Anr.**

Mr. Avrojoyti Das
Mr. Rajdeep Das
Mr. Soumyajit Ghosh

...for the Petitioner.

Mr. Rajat Das

...for the Respondents.

1. The learned advocate appearing on behalf of the defendants/respondents would submit that the property in dispute is a joint family property and as such it is necessary to pass an order of *status quo* as was subsisting till 14th November, 2024.
2. Admittedly in this case, though an order of status quo was passed on 2nd September, 2024 directing the parties to maintain *status quo* as regards their possession over the suit property including

restraining the parties from changing the nature and character thereof or alienate the same to any third party, the said interim order only remained valid on the basis of a subsequent extension granted on 27th September, 2024 till 14th November, 2024.

3. Today since the defendants are agreeable to an order of *status quo*, let the *status quo* be continued till the disposal of the revisional application.
4. On the prayer of the learned advocate appearing on behalf of the defendants/respondents, let affidavit-in-opposition be filed though ordinarily in matter of this nature where the plaintiff having failed to secure an *ex parte* order of injunction both before the learned Trial Court as also before the learned Appellate Court in a misc. appeal and having approached this Court, the proper course would be to send back the matter to the learned Trial Court with the interim order, however, since the plaintiff insists for an order of injunction, let the matter stands adjourned and appear before the first available Circuit Bench in the year 2025.
5. The defendants/respondents shall be at liberty to use affidavit-in-opposition within a period of two weeks, reply if any thereto, be filed on or before

the matter is taken up next with advanced copy thereof to the learned advocate representing the plaintiff/petitioner.

(Raja Basu Chowdhury, J.)